IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO.244 OF 2006 IN FIRST APPEAL NO.244 OF 2006
WITH
CIVIL APPLICATION NO. 61 OF 2006 IN FIRST APPEAL NO. 59 OF 2006

CIVIL APPLICATION NO.244 OF 2006 IN FIRST APPEAL NO.244 OF 2006
State of Goa through its Chief Secretary .... Applicant
V/s
Jose Casmiro Viegas & anr. .... Respondents

Ms. L. Dharwadkar, Addl. Govt. Advocate for Applicant.
Mr. S.d. Lotlikar, Senior Advocate with Mr. R. Menezes, Advocate for Respondent No.1.
Mrs. A. Agni, Advocate for Respondent No.2.

CIVIL APPLICATION NO. 61 OF 2006 IN FIRST APPEAL NO. 59 OF 2006
Goa University through its Registrar .... Applicant
V/s
Mr. Jose Casmiro Viegas & Anr. .... Respondents

Mrs. A. Agni, Advocate for the Applicant.
Mr. S.D. Lotlikar, Senior Advocate with Mr. R. Menezes, Advocate for Respondent No.1.
Ms. L. Dharwadkar, Addl. Govt. Advocate for Respondent No.2.

CORAM : N.A. BRITTO, J.

DATE : 14th DECEMBER, 2007

P.C.:

Heard learned Counsel for the parties.

2. There is no dispute that the compensation which would be payable in case the entire land was acquired as on the date of the acquisition works out to Rs. 36,00,000/-. As per the Appellants, the share of the Respondent is 25%, the balance of 25% being that of one Barreto who was also the tenant

and the balance of 50% of the Communidade to whom, according to the appellants, the land belonged.

3. The appellants as well as the Respondent, Jose Casmiro Viegas agree that a sum of Rs. 9,00,000/- shall be immediately paid to the Respondent Jose Casmiro Viegas. Learned Addl. Govt. Advocate on behalf of the Govt. states that the said sum of Rs. 9,00,000/- shall be paid to the Respondent, Jose Casmiro Viegas within a period of 3 weeks. Learned Senior Counsel on behalf of the said Respondent, Jose Casmiro Viegas states that there was no claim made either by the said Barreto or the said Communidade. He further submits that the balance compensation of 75% may be settled at the time of final disposal of the First Appeal. Learned Senior Counsel also states that the said Respondent, Jose Casmiro Viegas is entitled to the entire compensation of Rs. 36,00,000/-. Learned Senior Counsel on behalf of the said Respondent further states that Rs. 9,00,000/- are being accepted without prejudice to his other contentions which may be raised in the appeal that the land has not been acquired.

3. In view of the above, the Civil Applications shall stand disposed of. Learned Counsel on behalf of the Appellant-University states that the mesne profits have already been deposited in terms of order dated 10/03/2006. Statement accepted. The said amount of mesne profits in case not invested so

far, may be invested for a period of three years in any of the nationalized bank.

N.A. BRITTO, J.

NH/-